

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC S. GARRISON, No. C 07-06327 CW (PR)
Petitioner, ORDER REGARDING IN FORMA
v. PAUPERIS MOTION
CALIFORNIA SUPERIOR COURT,
Respondent.

Petitioner has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On that same date, the Clerk of the Court sent Petitioner a notice directing him to pay the filing fee or to file a completed in forma pauperis (IFP) application. Petitioner filed an IFP application; however, Petitioner did not file copies of the Certificate of Funds and prisoner trust account statement.

The Court cannot conduct an initial review of this matter until Petitioner has either paid the filing fee or submitted a complete IFP application. See 28 U.S.C. § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or security if he makes affidavit that he is unable to pay such fees or give security therefor). If the

petitioner is a prisoner who alleges that he is unable to pay the full filing fee at the time of filing, he must submit: (1) an affidavit that includes a statement of all assets he possesses, and (2) a certified copy of the trust fund account statement for the prisoner for the six-month period immediately preceding the filing of the action, obtained from the appropriate official of each prison at which the prisoner is or was confined. See id. § 1915(a)(1), (2). If the Court determines that the petitioner is unable to pay the full filing fee at the time of filing, the petitioner will be granted leave to proceed IFP.

Therefore, before the Court will proceed to review the complaint Petitioner is hereby ORDERED to file copies of the Certificate of Funds and prisoner trust account statement. He shall include with these documents a clear indication that it is for the above-referenced case number, C 07-06327 CW (PR). Petitioner shall do so within thirty (30) days of the date of this Order.

Failure to file copies of Petitioner's Certificate of Funds and prisoner trust account statement as ordered herein by the thirty-day deadline shall result in the dismissal of this action without prejudice.

IT IS SO ORDERED.

Dated: 2/5/08


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ERIC S. GARRISON,
Plaintiff,

Case Number: CV07-06327 CW

CERTIFICATE OF SERVICE

v.

CA SUPERIOR COURT et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 5, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Eric S. Garrison
2338560
County Jail #5
P.O. Box 67
San Bruno, CA 94066

Dated: February 5, 2008

Richard W. Wiekling, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California